

STATE PERSONNEL BOARD CALENDAR



SEPTEMBER 14, 2004

SACRAMENTO, CALIFORNIA

State of California

Memorandum

DATE: September 3, 2004

TO: ALL INTERESTED PARTIES

FROM: **STATE PERSONNEL BOARD** -- Appeals Division

SUBJECT: Notice and Agenda for the September 14, 2004, meeting of the State Personnel Board.

PLEASE TAKE NOTICE that on September 14, 2004, at the offices of the State Personnel Board, located at 801 Capitol Mall, Room 150, Sacramento, California, the State Personnel Board will hold its regularly scheduled meeting.

The attached Agenda provides a brief description of each item to be considered and lists the date and approximate time for discussion of the item.

Also noted is whether the item will be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you wish to obtain a copy of any of the items considered in the public sessions for the September 14, 2004, meeting, please contact staff in the Secretariat's Office, State Personnel Board, 801 Capitol Mall, MS 22, Sacramento, CA 95814 or by calling (916) 653-0429 or TDD (916) 654-2360, or the Internet at:

<http://www.spb.ca.gov/calendar.htm>

Notice and Agenda
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September 3, 2004

Should you have any questions regarding this Notice and Agenda, please contact staff in the Secretariat's Office at the address or telephone numbers above.

TAMARA LACEY
Secretariat's Office

Attachment

CALIFORNIA STATE PERSONNEL BOARD MEETING*
801 Capitol Mall
Sacramento, California

Public Session Location - Room 150

Closed Session Location - Room 141

MID-MONTH MEETING AGENDA**

SEPTEMBER 14, 2004

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

9:00 - 9:30

1. ROLL CALL
2. REPORT OF THE EXECUTIVE OFFICER

Report of Floyd Shimomura
Executive Officer
State Personnel Board
3. REPORT OF THE CHIEF COUNSEL
4. NEW BUSINESS
(Items may be raised by Board Members for scheduling and discussion at future meetings.)
5. REPORT ON LEGISLATION

* Sign Language Interpreter will be provided for Board Meeting upon request – contact Secretariat at (916) 653-0429, or CALNET 453-0429, TDD (916) 654-2360.

** The Agenda for the Board can be obtained at the following Internet address:
<http://www.spb.ca.gov/calendar.htm>

CLOSED SESSION OF THE STATE PERSONNEL BOARD

9:30

6. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY THE ADMINISTRATIVE LAW JUDGES

Deliberations on matter submitted at prior hearing, on proposed decisions, petitions for rehearing, rejected decisions, remanded decisions, submitted decisions, and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]

7. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial. [Government Code Sections 11126 (e)(1), 18653.]

State Personnel Board v. Department of Personnel Administration, California Supreme Court Case No. S119498.

State Personnel Board v. California State Employees Association, California Supreme Court Case No. S122058.

Connerly v. State Personnel Board, California Supreme Court Case No. S125502.

International Union of Operating Engineers v. State Personnel Board, Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

California Attorneys, Administrative Law Judges and Hearing Officers in State Employment, v. Department of Industrial Relations and California State Personnel Board, Sacramento Superior Court No.: 04CS00677

8. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the Legislature. [Government Code Section 18653.]

9. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor. [Government Code Section 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

On Adjournment:

10. DISCUSSION OF COMING BOARD MEETING SCHEDULE OF OCTOBER 5-6, 2004 IN SACRAMENTO, CALIFORNIA

BOARD ACTIONS

11. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF SEPTEMBER 1-2, 2004
12. ACTION ON SUBMITTED ITEMS
(See Agenda Page 21)
These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those cases are listed separately by category on this agenda under Evidentiary Cases.

13. EVIDENTIARY CASES
The Board Administrative Law Judges conducts Evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These cases have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting.

MARTIN HERNANDEZ, CASE NO. 02-4449A
Appeal from demotion
Correctional Sergeant
Calipatria State prison – Imperial
Department of Corrections

CONNIE JAMES, CASE NO. 03-3136A
Appeal from fifteen-working-days
suspension
Accounting Technician
Employment Development Department

HUGO LANDEROS, CASE NO. 03-3190A
Appeal from dismissal
Employment Program Representative
Employment Development Department

JACQUELYN MCCARVER, CASE NO. 03-0669A
Appeal from demotion
Correctional Sergeant
Rainbow Conservation Center – Fallbrook
Department of Corrections

MARYLAND PAGE, CASE NO. 03-3703A
Appeal from five-percent reduction
in salary for twelve months
Correctional Officer
California State Prison – Blythe
Department of Corrections

GARY WHALEY, CASE NO. 03-1420A
Appeal from discrimination
Employment Program Representative
Employment Development Department

B. CASES PENDING

- Oral Arguments
These cases are on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

NONE

C. CHIEF COUNSEL RESOLUTIONS

- Court Remands
These cases have been remanded to the Board by the court for further Board action.

NONE

- Stipulations
These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

- Proposed Decisions
These are ALJ proposed decisions submitted to the Board for the first time.

ANDREW CASTRO, SPB CASE NO. 04-1034
Appeal from dismissal
State Park Ranger I
Department of Parks and Recreation

NESSLIN CRUZ, CASE NO. 03-1824
Appeal from ten-work-day
suspension
Employment Program Representative
(Permanent Intermittent)
Employment Development Department

PRISCILA CRUZ, CASE NO. 04-0554E
Appeal from discrimination complaint
Clinical Laboratory Scientist
California Medical Facility - Vacaville
Department of Corrections

DEBORAH DELGARDO, CASE NO. 01-1668
Appeal from dismissal
Motor Vehicle Field Representative
Department of Motor Vehicles

DOREATHA FLEMING, CASE NO. 03-2274
Appeal from dismissal
Motor Vehicle Field Representative
Department of Motor Vehicles

ZANE FRALICK, CASE NO. 04-0326
Appeal from 15-working-day suspension
Officer
Department of the California Highway Patrol

CHARLES HEINZ, CASE NO. 03-2803
Appeal from dismissal
Business Taxes Compliance Specialist
Board of Equalization

MICHAEL HUDSON ET AL, CASE NO. 03-0756
Appeal from demotion
position of Special Agent Supervisor to
Special Agent
Department of Justice

EDUARDO HEREDIA, CASE NO. 03-0763
Appeal from three-working-days suspension
Special Agent
Department of Justice

MITCHELL FOX, CASE NO. 03-0972
Appeal from three-working-days suspension
Special Agent
Department of Justice

JAHI JAMEEL, CASE NO. 04-0330
Appeal from dismissal
Supervising Transportation Engineer
California Public Utilities Commission

ARTHUR RIVERA, CASE NO. 04-1278
Appeal from dismissal
Correctional Supervising Cook
North Kern State Prison - Delano
Department of Corrections

ROY M. TORNELLO, CASE NO. 04-0892
Appeal from suspension
Caltrans Electrician II
Department of Transportation

BILLY WARD, CASE NO. 03-3742
Appeal from five-percent reduction
in salary for six months
Correctional Officer
California State Prison – Lancaster
Department of Corrections

- Proposed Decisions Taken Under Submission
At Prior Meeting

These are ALJ proposed decisions taken under
submission at a prior Board meeting, for lack of
majority vote or other reason.

NONE

- Proposed Decisions After Board Remand

MICHELLE DAWKINS, CASE NO. 03-2755R
Appeal from demotion from Fiscal
Services Supervisor to Typist Clerk III
Human Services Agency

- Proposed Decisions After SPB Arbitration

NONE

E. PETITIONS FOR REHEARING

- ALJ Proposed Decisions Adopted By The
Board

The Board will vote to grant or deny a petition
for rehearing filed by one or both parties,
regarding a case already decided by the
Board.

- Whistleblower Notice of Findings

The Board will vote to grant or deny a petition
for rehearing filed by one or both parties,
regarding a Notice of Findings issued by the
Executive Officer under Government Code,
section 19682 et seq. and Title 2, California
Code of Regulations, section 56 et seq.

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

ANN R. ABIERAS, CASE NO. 04-0531A
Appeal from ten-percent reduction
in salary for twelve months
Psychiatric Technician Assistant
Department of Developmental Services

DANNY BOYD, CASE NO. 03-1537A
Appeal from dismissal
Youth Correctional Officer
California Youth Authority - Chino

NICHOLAS COMAITES, CASE NO. 03-0062A
Appeal from official reprimand
Correctional Counselor II
Department of Corrections
AND

PAUL WARD, CASE NO. 03-0332A
Appeal from official reprimand
Correctional Administrator
Department of Corrections

EVELYN B. CORPUS, CASE NO. 04-0529A
Appeal from ten-percent reduction in
salary for twelve months
Psychiatric Technician Assistant
Department of Developmental Services

MICHELLE DAWKINS, CASE NO. 03-2755R
Appeal from demotion
Fiscal Services Supervisor to Typist Clerk III
Human Services Agency, Merced County

JOHN FLORES, CASE NO. 03-2588E
Appeal of retaliation
Hospital Peace Officer I
Department of Mental Health

DEBRA GREENE, CASE NO. 03-0621A
Appeal from dismissal
Motor Vehicle Field Representative
Department of Motor Vehicles

RICHARD HARMON, CASE NO. 03-3739
Appeal from dismissal
Psychiatric Technician Assistant
Department of Developmental Services

ROYCE HENSON, CASE NO. 02-3501E
Appeal from retaliation complaint
Staff Services Manager II (Supervisor)
Department of forestry and Fire Protection

CONNIE JOHNSON, CASE NO. 03-2620A
Appeal from 30-calendar-days suspension
Employment Program Representative
Employment Development Department

EDWARD LIMON, CASE NO. 04-0233
Appeal from dismissal
Parole Agent I
Department of the Youth Authority

LEIJANE OGAWA, CASE NO. 03-2943A
Appeal from discrimination
Office Assistant (General)
Department of Transportation

VIRGINIA PARKER, CASE NO. 03-0325A
Appeal from demotion
Correctional Lieutenant
Ironwood State Prison – Blythe
Department of Corrections

KIM RITTENHOUSE, CASE NOS. 03-3541A &
03-3542A
Appeal from denial of reasonable accommodation
And from constructive medical termination
Office Technician (General)
Department of Fish and Game

PEARLIE BLEDSOE-TOWNES, CASE NO. 03-2966A
Appeal from denial of request for reasonable
Accommodation
Correctional Sergeant
Central California Women's Facility – Chowchilla
Department of Corrections

DENNIS UYEDA, CASE NO. 03-2396A
Appeal from five-working-days suspension
Latent Print Analyst II
Department of Justice

14. RESOLUTION EXTENDING TIME UNDER GOVERNMENT
CODE SECTION 18671.1 EXTENSION
(See Agenda Page 23)

15. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial
staff member of the State Personnel Board or
investigated by Appeals Division staff. The Board will
be presented recommendations by a Staff Hearing
Officer or Appeals Division staff for final decision on
each appeal.

(Cases Heard By A Staff Hearing Officer)

THOMAS ANDRADE, CASE NO. 03-1527

Classification: Cadet, CHP

Department: California Highway Patrol

ROBERT DAVIS, CASE NO. 03-2043

Classification: Cadet, CHP

Department: California Highway Patrol

(Cases Not Heard By A Staff Hearing Officer)

GARY AMBROSINI, CASE NO. 03-2758

Classification: Correctional Officer

Department: Corrections

FERNANDO AUSTIN, CASE NO. 03-3393

Classification: Correctional Officer

Department: Corrections

JASON CICHOSKI, CASE NO. 03-3394

Classification: Correctional Officer

Department: Corrections

MARTHA FORSHEE, CASE NO. 03-2913

Classification: Medical Technical Assistant

Department: Corrections

JUSTIN GRESHAM, CASE NO. 03-2340

Classification: Correctional Officer

Department: Corrections

SAMATHA HILL, CASE NO. 03-3099

Classification: Correctional Officer

Department: Corrections

DOROTEO JIMINEZ, CASE NO. 03-2928

Classification: Correctional Officer

Department: Corrections

DUANE JOHNSON, CASE NO. 03-3482

Classification: Correctional Officer

Department: Corrections

PHILLIP LIVINGSTON, CASE NO. 03-3098

Classification: Correctional Officer

Department: Corrections

THOMAS MARTINEZ, CASE NO. 03-2343

Classification: Correctional Officer

HERIBERTO MORENO, CASE NO. 03-3283

Classification: Correctional Officer

Department: Department of Corrections

JOSE OLMOS, CASE NO. 03-3474

Classification: Correctional Officer

Department: Corrections

PAUL PARASCHAK, CASE NO. 03-3611

Classification: Correctional Officer

Department: Corrections

ALVIN POWELL, CASE NO. 03-2684

Classification: Fraud Investigator, (DHS)

Department: Health Services

JIM RHYU, CASE NO. 03-3646

Classification: Correctional Officer

Department: Corrections

EDGAR ROJAS, CASE NO. 03-2746

Classification: Correctional Officer

Department: Corrections

SUZANNE ROMERO, CASE NO. 03-2941

Classification: Staff Information Systems Analyst
(Specialist)

Department: State Personnel Board

HECTOR RUBIO, CASE NO. 03-3637

Classification: Correctional Officer

Department: Corrections

JONATHAN SABERON, CASE NO. 03-2667

Classification: Correctional Officer

Department: Corrections

FRANK SANCHEZ, CASE NO. 03-3649

Classification: Correctional Officer

Department: Corrections

BILL SCOTT, CASE NO. 03-2844

Classification: Licensing-Registration Examiner

Department: Motor Vehicles (DMV)

JOSHUA SMITH, CASE NO. 03-3696

Classification: Correctional Officer

Department: Corrections

DAVID SNYDER, CASE NO. 03-2848

Classification: Correctional Officer

Department: Corrections

STEVEN STRINGHAM, CASE NO. 03-3755

Classification: Correctional Officer

Department: Corrections

JAKE SWAFFORD, CASE NO. 03-2740

Classification: Youth Correctional Officer

Department: California Youth Authority (CYA)

JOSHUA THORNTON, CASE NO. 03-3648

Classification: Correctional Officer

Department: Corrections

JESUS TRANCOSO, CASE NO. 03-3563

Classification: Correctional Officer

Department: Corrections

ALONZO WHITAKER, CASE NO. 03-3647

Classification: Correctional Officer

Department: Department of Corrections

B. MEDICAL AND PSYCHOLOGICAL SCREENING
APPEALS

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

TIFFANY BAILEY, CASE NO. 03-3403

Classification: Cadet (CHP)

Department: California Highway Patrol

C. EXAMINATION APPEALS - NONE
MINIMUM QUALIFICATIONS - NONE
MERIT ISSUE COMPLAINTS - NONE

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

D. RULE 212 OUT-OF-CLASS APPEALS - NONE
VOIDED APPOINTMENT APPEALS - NONE
RULE 211 APPEALS - NONE

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

E. REQUEST TO FILE CHARGES CASES
PETITIONS FOR REHEARING CASES - NONE

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

MICHAEL GARBEDIAN, CASE NO. 03-2281

Classification: Staff Counsel

Department: Conservation

DON HANSEN, CASE NO. 02-4467

Classification : Associate Civil Engineer

Department: Department of Transportation

DON HANSEN, CASE NO. 02-4468

Classification : Associate Civil Engineer

Department: Department of Transportation

DON HANSEN, CASE NO. 02-4469

Classification : Associate Civil Engineer

Department: Department of Transportation

DON HANSEN, CASE NO. 02-4470

Classification : Associate Civil Engineer

Department: Department of Transportation

Terry Meyers, Case No. 03-2435

Classification: a committed offender housed at Atascadero State Hospital (ASH)

Department: Mental Health, Atascadero State Hospital

JOHN RHODES, CASE NO. 04-0095

Classification : A civilly committed offender housed at Atascadero State Hospital.

Department: Mental Health

F. PSYCHOLOGICAL SCREENING CASES - NONE

Cases reviewed by Appeals Division staff, but no hearing was held. It is anticipated that the Board will act on these proposals without a hearing.

16. NON-HEARING CALENDAR

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing.

Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code Section 18500 et seq.) and Article VII, California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

(1) FISH AND GAME WARDEN SERIES

The Department of Fish and Game (DFG) is proposing the following revisions to the Fish and Game Warden series specification: the class titles are being revised for consistency; revisions to the class specification to incorporate and update new laws regarding domestic violence and prior use of hard drugs by the applicant;

revise the Minimum Qualifications to add a pattern whereby current peace officers can enter the class and obtain the necessary training to perform the duties of a law enforcement officer; abolishing the classes of Lieutenant, Fish and Game Patrol Boat and Captain, Fish and Game Patrol Boat.

17. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

Staff has approved the following:

(1) PISMO BEACH FIRE DEPARTMENT

The California Department of Forestry and Fire Protection requests that the South Bay Fire Department employees of the Los Osos Community Services District be Transferred into State civil service.

18. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Personnel Resources and Innovation Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be

scheduled. If no merit issues are raised regarding a proposed CEA position action, and it is approved by the State Personnel Board, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS
CURRENTLY UNDER CONSIDERATION

(1) DEPUTY SECRETARY, LABOR RELATIONS

The Department of Youth Authority on behalf of the Youth and Adult Correctional Agency (YACA) proposes to allocate the above position to the CEA category. The Deputy Secretary, Labor Relations will be responsible for the evaluation and implementation of labor policy for all departments and boards under the YACA authority.

(2) CHIEF, COMMUNICATIONS OFFICE

The State Board of Equalization (BOE) proposes to allocate the above position to the CEA category. The Chief, Communications Office serves as the principal spokesperson for the BOE, providing guidance, policy formulation and policy direction relative to public relations, outreach and media related issues.

(3) DIRECTOR OF CRITICAL INFRASTRUCTURE
PROTECTION

The Office of Emergency Services on behalf of the State Office of Homeland Security proposes to allocate the above position to the CEA category. The Director of Critical Infrastructure Protection will be responsible for a key function of the Office of Homeland Security, developing critical infrastructure policy for the State, coordinating the efforts of all State agencies.

(4) ASSISTANT DIRECTOR OF CRITICAL
INFRASTRUCTURE PROTECTION

The Office of Emergency Services on behalf of the State Office of Homeland Security proposes to allocate the above position to the CEA category. The Assistant Director of Critical Infrastructure Protection will, in conjunction with the Director of Critical Infrastructure Protection, develop policy for coordinating the protection for the State's critical infrastructure, such as dams, bridges, chemical plants, electrical generation, and ports.

(5) DIRECTOR OF LOCAL, EXTERNAL AND
LEGISLATIVE AFFAIRS

The Office of Emergency Services on behalf of the State Office of Homeland Security proposes to allocate the above position to the CEA category. The Director of Local, External and Legislative Affairs will be responsible for developing policies coordinating the large number of federal, State and local issues that arise in the area of homeland security.

(6) ASSISTANT DIRECTOR OF LOCAL,
EXTERNAL AND LEGISLATIVE AFFAIRS

The Office of Emergency Services on behalf of the State Office of Homeland Security proposes to allocate the above position to the CEA category. The Assistant Director of Local, External and Legislative Affairs will be responsible for developing policies coordinating the large number of federal, State and local issues that arise in the area of homeland security.

(7) DIRECTOR OF PLANNING, RESEARCH AND
EMERGENCY PREPAREDNESS

The Office of Emergency Services on behalf of the State Office of Homeland Security proposes to allocate the above position to the CEA category. The Director of Planning, Research and Emergency Preparedness will be responsible for developing policy and coordinating several programs, such as the development of a

statewide first responder communications interoperability plan, in addition to the continuing stream of new programs and issues as they arise.

(8) ASSISTANT DIRECTOR OF PLANNING,
RESEARCH AND EMERGENCY
PREPAREDNESS

The Office of Emergency Services on behalf of the State Office of Homeland Security proposes to allocate the above position to the CEA category. The Assistant Director of Planning, Research and Emergency Preparedness will be responsible for policy development and coordination of several programs, such as oversight of the Homeland Security Exercise and Evaluation program, and be available for the continuing stream of new programs and issues that arise.

(9) ASSISTANT DIRECTOR OF INFORMATION
ANALYSIS

The Office of Emergency Services on behalf of the State Office of Homeland Security proposes to allocate the above position to the CEA category. The Assistant Director of Information Analysis will provide policy direction and coordination for the California State Warning Center, which is the State's counter-terrorism intelligence center, and coordinate the four regional information analysis centers.

(10) ASSISTANT DIRECTOR OF GRANT
MANAGEMENT

The Office of Emergency Services on behalf of the State Office of Homeland Security proposes to allocate the above position to the CEA category. The Assistant Director of Grant Management will be responsible for grant program policy development and serve as the liaison on grant-related issues to other federal, State and local entities.

B. EXECUTIVE OFFICER DECISIONS REGARDING
REQUESTS TO ESTABLISH NEW CEA POSITIONS

- (1) ASSISTANT CHIEF DEPUTY DIRECTOR
The Department of Alcoholic Beverage Control
has withdrawn their request to establish the
above position to the CEA category has been
withdrawn effective August 10, 2004.

19. WRITTEN STAFF REPORT FOR BOARD INFORMATION

NONE

20. PRESENTATION OF EMERGENCY ITEMS AS
NECESSARY

A D J O U R N M E N T

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC. Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002)
2. VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES). Departments of Mental Health and Developmental Services.
(Hearing held December 3, 2002)
3. TELEVISION SPECIALIST (SAFETY)
The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding “Safety” as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003)
4. HEARING – PSC #04-03
Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Presented to Board August 12, 2004)

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *



(Cal 09/01/04)

TO: Members
State Personnel Board

FROM: State Personnel Board - Legislative Office

SUBJECT: LEGISLATION

The status of major legislation being followed for impact on Board programs and the general administration of the State Civil Service Merit System is detailed in the attached report.

Any legislative action that takes place after the printing of this report, which requires discussion with the Board, will be covered during the Board meeting.

Please contact me directly should you have any questions or comments regarding this report. I can be reached at (916) 653-0453.

Sherry A. Hicks
Director of Legislation

Attachment

**STATE PERSONNEL BOARD
LEGISLATIVE TRACKING
REPORT
2003-2004 SESSION**

**Status as of
August 30, 2004**



ASSEMBLY BILLS (Tracking)

BILL/ AUTHOR	BOARD POSITION	SUBJECT	STATUS OF BILL
AB 79 Dutra	SIGN	AB 79 would suspend requirements for state departments and local agencies to prepare and submit various reports to the Legislature or the Governor until January 1, 2008. (This bill was amended on 3/25/04)	Location: Enrolled – To Governor
AB 1825 Reyes	DEFER to DFEH	This bill would require employers with 3 or more employees to post, as specified, information concerning the illegality of sexual harassment and the remedies available to victims of sexual harassment and would require employers with 50 or more employees to provide 2 hours of training and education to all supervisory employees within one year of January 1, 2005, unless the employer has provided sexual harassment training and education to employees after January 1, 2004.	Location: Enrolled – To Governor
AB 1827 Cohn	NO RECOMMEN DATION	Creates a new exception to both state and local government open meeting laws that would allow state and local government bodies to meet in closed session for the purpose of discussing a confidential final draft audit report from the Bureau of State Audits.	Location: Enrolled – To Governor
AB 1933 Pacheco	NO IMPACT	This bill would, among other things, extend the time for a public agency to respond to a request for public records from 10 to 20 days.	Location: Enrolled – To Governor
AB 2275 Dymally	SUPPORT	This bill would repeal those sections of the Government Code that is outdated with the inception of Proposition 209. In addition, it clarifies the responsibilities of State agencies EEO program. (Board sponsored)	Location: Enrolled

ASSEMBLY BILLS (Tracking)

BILL/ AUTHOR	BOARD POSITION	SUBJECT	STATUS OF BILL
AB 2314 Horton	NO RECOMMEN DATION	This bill would make the same burden of proof in discipline cases involving managerial employees, as currently exists for non-managerial employees.	Location: VETOED
AB 2408 Yee	SIGN	This bill would require state agencies to fill "newly created" and vacant public contact positions with qualified bilingual staff, where deficiencies have been identified, unless specific criteria are met to qualify for an exemption to this provision. The State Personnel Board (SPB) would be responsible for monitoring state agencies' compliance with these new provisions as part of the biennial language survey review process. If the SPB finds that any state agency has not complied with these provisions, it may issue orders it deems necessary to enforce these provisions of the Act. The bill also requires state agencies to submit a copy of their implementation plan to specified Legislative Budget and Fiscal Committees at the same time it is submitted to the SPB on October 1 st of every even-numbered year.	Location: VETOED
AB 2637	NO POSITION	This bill would enact the Reporting by California State University Employees of Improper Governmental Activities Act, and would establish procedures for the investigation and determination of whistleblower retaliation complaints filed by California State University (CSU) employees with the State Personnel Board (SPB), similar to those currently included in a provision of the California Whistleblower Protection Act (WPA) (Government Code section 8547 <i>et seq.</i>)	SPB amended out of bill.

ASSEMBLY BILLS (Tracking)

BILL/ AUTHOR	BOARD POSITION	SUBJECT	STATUS OF BILL
AB 2889 Laird	NEUTRAL	This bill would make employers responsible for the acts of non-employees with respect to all forms of harassment in the workplace where the employer or its agents or supervisors knew or should have known of the conduct and failed to take immediate and appropriate corrective action.	Location: Died in Appropriations
AB 2900 Laird	SIGN	This bill would amend various provisions of existing laws that prohibit discrimination in employment on different bases, including race, color sex, religion, or marital status, to instead prohibit discrimination in employment on the same bases set forth in the Fair Employment and Housing Act (i.e., race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation). This bill would also make technical, non-substantive changes to those existing provisions.	Location: Enrolled – To the Governor

SENATE BILLS (Tracking)

BILL/ AUTHOR	BOARD POSITION	SUBJECT	STATUS OF BILL
SB 1342 SPEIER/ ROMERO	SIGN	Among other things, this bill would provide a mechanism for greater cooperation and less duplication of effort between the OIG and the State Personnel Board (SPB) when those entities are conducting whistleblower retaliation investigations.	Location: Enrolled – To the Governor
SB 1431 SPEIER	SIGN	This bill would require the Director of the Department of Corrections and the Director of the Youth Authority to: (1) provide for the development and implementation of a disciplinary matrix with offenses and associated punishments, that would apply to all employees of the respective department and would be consistent statewide; (2) adopt a code of conduct that clearly states an employee's responsibility to report employee misconduct and to cooperate in any law enforcement investigation; and (3) develop a program to ensure the protection of employees who have reported improper conduct and who need counseling and personal protection.	Location: Enrolled – To the Governor
SB 1819 Ashburn	NO RECOMMEN DATION	This bill would allow the disclosure of records and information, under specified conditions, of a person with developmental disabilities to a state civil service employee against whom an adverse action has been filed, when necessary for the employee to defend against the adverse action.	Location: Enrolled – To the Governor

SENATE BILLS (Tracking)

BILL/ AUTHOR	BOARD POSITION	SUBJECT	STATUS OF BILL
SB 1892 Burton	NO RECOMMEN DATION	This bill amends existing law to provide state employee unions with prior notice of certain proposed personal services contracts between state agencies and private contractors, and an opportunity to ask the State Personnel Board (SPB) to review and approve those contracts before any state funds may be expended.	Location: Enrolled – To the Governor

STATE PERSONNEL BOARD

NON-HEARING CALENDAR

RE: BOARD CALENDAR SEPTEMBER 14, 2004

TO: STATE PERSONNEL BOARD

FROM: MARGIE IMAI, Staff Personnel Program Analyst
Department of Personnel Administration

REVIEWED BY: JOSIE FERNANDEZ, Program Manager
Department of Personnel Administration

ROBERT K. PAINTER, Chief, Policy and Operations Division
Department of Personnel Administration

SUBJECT: Proposed title change and specification revision for the classes appearing in the Fish and Game Warden series specification; and proposed abolishment of the Lieutenant, Fish and Game Patrol Boat and Captain, Fish and Game Patrol Boat classes.

SUMMARY OF ISSUES:

The Department of Fish and Game (DFG) is proposing to retitle and revise the Fish and Game Warden series specification. The class titles are being revised for consistency and the class specification is being revised and updated to incorporate new laws regarding domestic violence and the prior use of hard drugs by the applicant. DFG is also proposing to revise the minimum qualifications to add a pattern whereby current peace officers can enter the Fish and Game Warden class and obtain the necessary training to perform the duties of a DFG law enforcement officer. The classes of Lieutenant, Fish and Game Patrol Boat and Captain, Fish and Game Patrol Boat are also being proposed for abolishment.

CONSULTED WITH:

Debbie Gojnic, Department of Fish and Game
Joan Bettati, Department of Fish and Game
Jennifer Roche, State Personnel Board
Karen Coffee, State Personnel Board
Tim Virga, Department of Personnel Administration
Alan Barcelona, California Union of Safety Employees
Dennis DeAnda, California Fish and Game Warden Supervisor and Manager Association

In accordance with the terms of the DPA/CAUSE contract, DPA has notified the union in writing of this proposal.

State Personnel Board

BACKGROUND AND CONSIDERATIONS:

See attached proposal.

RECOMMENDATIONS:

1. That the titles of the following classes be changed as indicated; and the proposed revised specification for these classes appearing in the Fish and Game Warden series specification shown in this calendar be adopted.

<u>From</u>	<u>To</u>
Fish and Game Warden, Department of Fish and Game	Fish and Game Warden
Fish and Game Patrol Lieutenant (Specialist)	Fish and Game Lieutenant (Specialist)
Fish and Game Patrol Lieutenant (Supervisor)	Fish and Game Lieutenant (Supervisor)
Fish and Game Patrol Captain	Fish and Game Captain
Regional Patrol Chief, Department of Fish and Game	Fish and Game Assistant Chief

2. That the classes of Lieutenant, Fish and Game Patrol Boat and Captain, Fish and Game Patrol Boat be abolished.

B. CLASSIFICATION CONSIDERATIONS

BACKGROUND

Provide some historical perspective about the organizational setting of the subject class(es) and the needs that this request addresses.

Department of Fish and Game (DFG) law enforcement personnel are designated as peace officers under Penal Code Section 830.2. Their primary responsibility is enforcing laws in the Fish and Game Code and the orders, rules, and regulations of the Fish and Game Commission. The task of protecting California's fish and wildlife make DFG law enforcement one of the most visible forms of protection and enforcement in the State. While DFG's law enforcement personnel enforces fishing and hunting codes and cite violators, their responsibilities also encompasses the protection of California's natural resources through enforcement of laws and investigation of violations of pollution regulations and illegal destruction of streambed habitat and water diversions. Additionally, DFG law enforcement personnel respond to off-highway petroleum and hazardous material spills throughout the State. DFG law enforcement personnel routinely arrest and apprehend suspects for violations, investigate reports of violations, and issue warnings and citations. Wardens also prepare cases for prosecution from the initial field investigation to the presentation in court and engage in various enforcement activities from undercover sting operations to highly visible patrols. Patrols can take place in the air, on lakes, rivers, streams, the ocean, and on the ground.

Other law enforcement agencies (i.e., local law enforcement agencies, the California Highway Patrol, local federal district rangers) depend upon and use DFG law enforcement as backup personnel for other than fish and game issues (i.e., drug arrests, robberies in progress, high-risk felony vehicle stops). While performing backup assistance to other law enforcement agencies, DFG law enforcement personnel also enforce the Penal, Vehicle, and Health and Safety codes. Moreover, under an agreement with the Department of the Interior and the U.S. Fish and Wildlife Service, all DFG law enforcement staff are specially appointed as a United States law enforcement officer, authorized to enforce Federal fish and wildlife laws within the State, and in states immediately adjacent to California. Additionally, because of recent national terrorist threats and the fact that our nation is at war, DFG law enforcement officers are required to assist multiple law enforcement agencies in the protection of public safety and provide increased security at numerous locations throughout the State.

DFG is proposing to revise the Fish and Game series specification to include a title change for the classes within the series to allow for consistency; revise the minimum qualifications to expand our recruitment pool of current peace officers outside of DFG; and to reflect changes in Title 2 of the California Code of Administration, Division 1, Administrative Personnel, which concerns the disclosure of prior drug use by peace officer candidates, and the Federal Omnibus Consolidated Appropriations Act of 1997 which make it unlawful for any person convicted of a misdemeanor crime of domestic violence to ship, transport, possess, or receive firearms or ammunition.

Additionally, DFG requests that the classes of Lieutenant, Fish and Game Patrol Boat, and Captain, Fish and Game Patrol Boat be abolished. In 1995, the DFG revised the Fish and Game Warden series and incorporated the duties and responsibilities of the

Lieutenant and Captain, Fish and Game Patrol Boat classifications. These classes are now redundant and obsolete.

CLASSIFICATION CONSIDERATIONS

What classification(s) does the subject class(es) report to?

- X Warden Cadets may report to Fish and Game Wardens, Lieutenants, Captains and Assistant Chiefs.
- X Fish and Game Wardens report to Lieutenants, Captains and Assistant Chiefs.
- X Lieutenants may report to Captains and Assistant Chiefs.
- X Captains may report to Assistant Chiefs.
- X Assistant Chiefs report to the Chief of the Enforcement Branch.

Will the subject class(es) supervise? If so, what class(es)?

See Number Two above.

What are the specific duties of the subject class(es)?

The Fish and Game Warden series describes work concerned with the prevention of violations and the enforcement of laws and regulations relating to the conservation and protection of fish, wildlife, and their habitat. As peace officers, incumbents in this series may also be required to take action in crimes of a general nature, including violations of the Penal, Vehicle, and Health and Safety Codes and others to preserve and protect all public health and safety. This may include arresting armed and dangerous felons, arresting drug traffickers and seizing related evidence, stopping and arresting drunk drivers, and taking emergency action to preserve life in traffic or other accidents, and participating in homeland security efforts on states lands and waters.

Work assignments in the series involve administering and enforcing fish, wildlife, and habitat protection laws, rules and regulations; conducting investigations with full participation in surveillance, interviewing witnesses, searching for and taking custody of physical evidence; seizing illegal fish, wildlife and equipment connected with violations, securing and serving search warrants, making arrests and testifying in court; coordinating cases with the District Attorney, Attorney General, and the Department of Justice; investigating the importation, buying and selling, transportation and possession of illegal fish and wildlife; working undercover; inspecting commercial fishing operations, canneries, processors, and fish markets and fish landings; collecting and reporting information on the condition of fish, wildlife, and their habitat; inspecting facilities for the care of native and exotic wildlife maintained in captivity; conducting compliance inspections and enforcing provisions of streambed alteration agreements and habitat-related crimes; assisting in the planning of controlled hunts; giving information to the general public; attending and speaking at meetings of sportspersons, civic, and other

groups; developing fishing and hunting regulations, laws, rules, and policies; preparing correspondence and reports; performing special staff assignments; assisting in promoting and conducting hunter education training; administering departmental wildlife protection training; responding to and investigating suspected pollution, oil, and hazardous material spills; assisting other law enforcement agencies, and may be required to investigate wildlife crop damage and advise landowners on countermeasures, and issue depredation permits, if necessary. Assignments may include patrol duties aboard fish and game vessels; horse patrol, snow patrol, the use of backpacking equipment or other special safety equipment; performance of scuba diving duties; responsibility for the supervision of cadets and training of cadets.

What is the decision-making responsibility of the subject class(es)?

See number four above.

What would be the consequence of error if incumbents in the subject class(es) did not perform their jobs? (Programs problems, lost funding, public safety compromised, etc.)

- X Inadequate protection for the public;
- X Inadequate protection for wildlife/natural resources and their habitat;
- X Longer response time to violations, crimes in progress, and hazardous spills;
- X Increased liability exposure resulting from poor response capability;
- X An increase in violence and property crimes;
- X Increased threat to endangered species;
- X Increased risk to existing law enforcement staff;
- X Increased costs as a result of liability claims and restoration of damaged natural resources; and
- X Diminished public education programs.

7. What are the analytical requirements expected of incumbents in the subject class(es)?

See number four above.

8. What are the purpose, type, and level of contacts incumbents in the subject class(es) make?

Fish and Game Wardens have daily contact with members of the public; from a hunter or fisherman, to a county judge or district attorney. They interact with other law enforcement agencies, commercial fishing companies, hazardous spill response employees, the Coast Guard, and the Homeland Security Agency, to name a few. Fish and Game Wardens patrol an area encompassing nearly 600 square miles and are involved in local community organizations and the public they serve.

9. Need to new class(es) (if necessary)

For new classes only: what existing classes were considered and why were they not appropriate?

Not applicable

10. Minimum Qualifications

What are the proposed or current minimum qualifications of the subject class(es), and why are they appropriate? (Include inside and outside patterns.)

DFG is proposing to revise the minimum qualifications as follows:

ALL CLASSES

The following requirements are part of the AMinimum Qualifications≡ for all classes in the series.

Possession of a valid driver license of the appropriate class issued by the Department of Motor Vehicles. Applicants who do not possess this license will be admitted to the examination but must secure the license prior to appointment. and

Education: Equivalent to completion of two years (60 semester units) of college with 18 semester units in the biological sciences, police science or law enforcement, natural resources conservation, ecology, or related fields. (Students who have 30 semester units of college, and have 18 semester units competed in the required or related fields, will be admitted to the examination but must product evidence of completion of 60 semester units before they can be considered eligible for appointment.)

ALL CLASSES EXCEPT FISH AND GAME WARDEN CADET

FISH AND GAME WARDEN

Successful completion of a California POST accredited Law Enforcement Academy, possession of a valid California POST basic peace officer certificate, and currently employed as a peace officer within the State of California at time of application.

FISH AND GAME LIEUTENANT (SPECIALIST)

FISH AND GAME LIEUTENANT (SUPERVISOR)

Two years of experience in the California state service performing the duties of a peace officer at a level of responsibility equivalent to that obtained in the class of Fish and Game Warden, ~~Department of Fish and Game~~, Range B.

FISH AND GAME CAPTAIN

Either I

One year of experience in the California state service performing the duties of a peace officer class at a level of responsibility equivalent to that obtained in the class of Fish and Game Lieutenant (Supervisor) or Fish and Game Lieutenant (Specialist).

Or II

Three years of experience in the California state service performing the duties of a peace officer class at a level of responsibility equivalent to that obtained in the class of Fish and Game Warden, ~~Department of Fish and Game~~, Range B.

~~REGIONAL PATROL CHIEF, DEPARTMENT OF FISH AND GAME~~
ASSISTANT CHIEF

Either I

Two years of experience in California state service performing the duties of a peace officer class at a level of responsibility equivalent to that obtained in the class of Fish and Game ~~Patrol~~ Captain.

Or II

Four years of experience in the California state service performing the duties of a peace officer class at a level of responsibility equivalent to that obtained in the class of Fish and Game Lieutenant (Supervisor) or Fish and Game Lieutenant (Specialist).

DFG is proposing to add a pattern whereby current California peace officers who have completed a basic law enforcement Academy, who have earned their POST certificate (which they will attain after working full-time as a peace officer for one year in California), and who is working as a peace officer in California can enter the Fish and Game Warden classification without having to go through a six month Fish and Game basic peace officer academy. The proposed revision to the minimum qualifications adds new language which will enhance DFG=s recruitment efforts by allowing current peace officers outside DFG to be hired as Wardens. Currently, they must attend the six month training academy as a Fish and Game Warden Cadet. By allowing current peace officers to enter at the Warden level, the department will expand their candidate pool. Candidates are reluctant to apply for the Fish and Game Warden Cadet class as their current pay, in most cases, is higher than a Fish and Game Warden Cadet.

DFG is proposing revisions to the ADisqualification≡ section of the class specifications. Existing law provides that persons convicted of a felony or convicted of a misdemeanor crime of domestic violence are disqualified from employment as peace officers. Such persons are not eligible to compete or be appointed to positions in these classes.

Due to the Gun Control Act of 1968 being amended by the Federal Omnibus Consolidated Appropriations Act of 1997, DFG is requesting to update the specifications to include:

You are disqualified from being employed as a peace officer under the Gun Control Act of 1968 as amended by the Federal Omnibus Consolidated Appropriations Act of 1997, which makes it unlawful for any person convicted of a misdemeanor crime of domestic violence to ship, transport, possess, or receive firearms or ammunition. A misdemeanor crime of violence means an offense that (1) is a misdemeanor under Federal or State law; and (2) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of a victim. This definition includes all misdemeanors that involve the use or attempted use of physical force and is true whether or not the State statute or local ordinance specifically defines the offense as a domestic violence misdemeanor.

The current specifications contain language pertaining to an applicant's use of hard drugs which state A subsequent to applicant's 18th birthday shall be grounds for disqualification from the examination unless 10 years have elapsed from the date of the disclosed use of the drug. However, Title 2, section 213.5(c) of the California Code of Regulations was expanded to read:

A Use of hard drugs (e.g., heroin, cocaine, or hallucinogenic) subsequent to applicant's 18th birthday and prior to his or her twenty-third birthday, shall be grounds for disqualification from the examination unless 5 years have elapsed from the date of the disclosed or revealed use of the drug. If any such disclosed or revealed use has occurred on or after the applicant's twenty-third birthday, he or she shall be disqualified from the examination in which he or she is competing until 10 years have elapsed from the date of the disclosed or revealed use. The disqualification period shall begin on the date that the drug was used, and not on the date that the drug use was disclosed or revealed.

Probationary Period

11. If a probationary period other than six months is proposed, what is the rationale?

Not applicable B this revision does not change the previously established probationary period.

Status Considerations

12. What is the impact on the current incumbents?

Current incumbents will only be affected by a classification title change.

There are no incumbents in the classes of Lieutenant, Fish and Game Patrol Boat, and Fish and Game Patrol Boat Captain.

13. Will current employees move by examination, transfer, reallocation, split-off, etc?

Not applicable

Consulted With

14. In addition to the department contacts listed on the cover sheet, list the names and affiliations of persons who were consulted during the development of this proposal.

Bernadette Fees, DFG

Kathy Killian, DFG

Rona Murray, DFG

Mike Carion, DFG, Training Academy

Ray Hernandez, DFG, Human Resources

Tom Harmon, DFG

Greg Laret, DFG

Phil Gaskins, DFG

CALIFORNIA STATE PERSONNEL BOARD

SPECIFICATION

FISH AND GAME WARDEN, ~~DEPARTMENT OF FISH AND GAME~~
 Series Specification
 (Established April 3, 1974)

SCOPE

This series specification describes six Fish and Game Warden classes used in the Department of Fish and Game.

<u>Schem</u>	<u>Class</u>	
<u>Code</u>	<u>Code</u>	<u>Class</u>
VB94	8486	Fish and Game Warden Cadet
VB90	8421	Fish and Game Warden, Department of Fish and Game
VB80	8005	Fish and Game Patrol Lieutenant (Specialist)
VB75	8418	Fish and Game Patrol Lieutenant (Supervisor)
VB50	8412	Fish and Game Patrol Captain
VB20	8405	Regional Patrol Chief, Department of Fish and Game <u>Assistant Chief</u>

DEFINITION OF SERIES

The Fish and Game Warden series describes work concerned with the prevention of violations and the enforcement of laws and regulations relating to the conservation and protection of fish, wildlife, and their habitat. As peace officers, incumbents in this series may also be required to take action in crimes of a general nature, including violations of Penal, Vehicle, Health and Safety Codes, and others to preserve and protect all public health and safety. This may include arresting armed and dangerous felons, arresting drug traffickers and seizing related evidence, stopping and arresting drunk drivers, taking emergency action to preserve life in traffic or other accidents, and participating in Homeland Security efforts on State lands and waters. Incumbents above the cadet level are designated as peace officers. Positions in this series may involve responsibilities or duties in a regional or headquarters office.

Work assignments in the series involve administering and enforcing fish, wildlife, and habitat protection laws, rules, and regulations; conducting investigations with full participation in surveillance, interviewing witnesses, searching for and taking custody of physical evidence, ~~seizure of~~ seizing illegal fish, wildlife and equipment connected with violations, securing and serving search warrants, making arrests and testifying in court; coordinating cases with the district attorney, attorney general, and the Department of Justice; investigating the importation, buying and selling, transportation, and possession of illegal fish and wildlife; ~~investigating wildlife crop damage and advising landowners on countermeasures; issuing depredation permits~~; working undercover; ~~responsibility for inspection of~~ inspecting commercial fishing operations, canneries, processors, and fish markets and fish landings; collecting and reporting of information on the condition of fish, wildlife, and their habitat; inspecting facilities for the care of native

and exotic wildlife maintained in captivity; ~~preparing, enforcing, and inspecting~~ conducting compliance inspections and enforcing provisions of streambed alteration agreements and habitat-related crimes; assisting in the planning of controlled hunts; giving information to the general public; attending and speaking at meetings of sportspersons, civic, and other groups; developing fishing and hunting regulations, laws, rules, and policies; preparing correspondence and reports; performing special staff assignments; assisting in promoting and conducting hunter education training; administering departmental wildlife protection training; responding to and investigating suspected pollution, oil, and hazardous material spills; assisting other law enforcement agencies; and may be required to investigate wildlife crop damage and advise land owners on countermeasures, and issue depredation permits, if necessary. Assignment may include patrol duties aboard a fish and game vessel; horse patrol, snow patrol, the use of backpacking equipment or other special safety equipment; performance of scuba diving duties; and responsibility for the supervision of cadets and training of cadets.

ENTRY LEVELS

Entry into this series is typically at the Fish and Game Warden Cadet level. Those individuals who have successfully completed a basic law enforcement academy accredited by the Commission on Peace Officer Standards and Training (POST) shall be appointed to Range A or B of the Fish and Game Warden, ~~Department of Fish and Game~~, class as appropriate. All Fish and Game Warden Cadet and Fish and Game Warden appointees must successfully complete the required field training programs. Incumbents who do not enter the series through the Fish and Game Warden Cadet classification, and who have completed a POST accredited basic law enforcement academy, must also successfully complete the prescribed Fish and Game training.

FACTORS AFFECTING POSITION ALLOCATION

These are work elements which can be compared to measure the similarity and evaluate the level of positions. The following allocation factors are typically used to evaluate the level and complexity of positions to assure consistency.

Level, variety, and complexity of work; nature of public contact; supervision exercised and received; latitude for independent judgment and action; responsibility for decision; and influence on departmental policy, program evaluation, budget decisions, or legislative recommendations.

DEFINITION OF LEVELS

FISH AND GAME WARDEN CADET

This is the recruiting and training level for the series. Under close supervision, incumbents participate in a POST accredited basic law enforcement training ~~program~~ academy to learn the work of a Fish and Game Warden, ~~Department of Fish and Game~~. Incumbents who do not successfully complete the prescribed law enforcement academy ~~accredited by POST~~ will be ineligible for appointment to the class of Fish and Game Warden, ~~Department of Fish and Game~~.

FISH AND GAME WARDEN, ~~DEPARTMENT OF FISH AND GAME~~

This is the first working and journey level of the series. Under general supervision, incumbents perform patrol and investigative duties and may be assigned a geographic area; enforce laws relating to fish and wildlife conservation; issue citations; make arrests; collect evidence and complete crime reports; testify in

court; investigate reported fish and game violations; perform patrol duties aboard a fish and game vessel; respond to and investigate pollution, oil, and hazardous material spills; act as Incident Commander in minor oil and hazardous material spills; develop and enforce streambed alteration agreements; explain the Department's programs before groups; work as field training officers (FTOs); assist other law enforcement agencies. Incumbents may be assigned special administrative assignments performing the less difficult analysis and staff work such as the initial review of a legislative bill analysis. Incumbents may be required to work out of their home and maintain a home office, and in remote locations.

FISH AND GAME ~~PATROL~~ LIEUTENANT (SPECIALIST)

This is the advanced journey level in the series. In a specialist assignment, under direction, incumbents implement specific programs; independently perform the more difficult analysis and staff review work; conduct the more difficult and complex investigations; assist supervisors with training issues; review legislative bills; assist in promoting uniform application of procedures; coordinate and review regulation proposals; assist in the development of procedures; deal with the public on the more sensitive enforcement issues; direct field training activities; review streambed alteration agreements; and act as Incident Commander in large oil and hazardous material spills.

FISH AND GAME ~~PATROL~~ LIEUTENANT (SUPERVISOR)

This is the first supervisory level in the series. Under direction, incumbents supervise and direct the work of Fish and Game Wardens and other personnel in a geographic area of the State; patrol and investigate violations; perform patrol duties aboard a fish and game vessel; supervise work involved in oil and hazardous material spills; act as Incident Commander in large oil and hazardous material spills; direct and review streambed alteration agreements; deal with the public on the more sensitive enforcement issues; investigate citizens complaints; conduct internal affairs investigations; conduct or coordinate required training; supervise FTO activities; plan and assign work; evaluate performance and take appropriate action; inspect equipment and implement safe work practices; and explain the Department's programs before groups.

FISH AND GAME ~~PATROL~~ CAPTAIN

This is the second supervisory level in the series. Under general direction, incumbents supervise and direct the work of Fish and Game ~~Patrol~~ Lieutenants, Fish and Game Wardens, or other personnel; are responsible for an operating budget to plan and conduct enforcement efforts in a geographic area of the State; make recommendations concerning the arrest and prosecution of violators; plan and conduct effective patrols on land and/or utilizing fish and game vessels; supervise and manage equipment use; conduct internal affairs investigations; evaluate, negotiate, and enforce streambed alteration agreements and water pollution violations; act as Incident Commander in major oil and hazardous material spills; ~~plan, conduct, and evaluate Advanced Peace Officer training~~; evaluate performance and take appropriate action; represent the Department before groups; compose difficult correspondence and reports for the Division Chief, Regional Manager, and Director. In a specialist assignment, incumbents are responsible for directing and managing statewide programs or programs of high intensity. Incumbents perform staff functions such as recommending changes in laws, regulations, and procedures; assist in proposing changes to departmental policy; prepare documents related to Fish and Game Code regulations and California Code of Regulations; evaluate potential impacts of proposed law enforcement changes and make recommendations; act as Incident Commander in major oil and hazardous material spills; assist in budget preparation; prepare administrative reports; complete appropriate legal documents and reports;

conduct and coordinate internal affairs investigations; respond to complex law enforcement-related questions and complaints; plan, develop, and coordinate FTO, Advanced Peace Officer, Defensive Tactics, Firearms Proficiency, Specialized Vehicle Operations, and other training; conduct and evaluate Advanced Peace Officer training; ~~or~~ and operate the cadet training academy.

REGIONAL PATROL CHIEF, DEPARTMENT OF FISH AND GAME ASSISTANT CHIEF

This is the highest supervisory level in the series. Under general direction, incumbents supervise an assigned staff; provide high level assistance on extremely sensitive wildlife protection matters; enforce laws, rules, and regulations; ensure that the wildlife protection mission is accomplished; promote uniform application of policies, laws, and regulations; review recommendations for legislative bills; review reports and correspondence for impact on the wildlife protection function; act as a liaison with other agencies and organizations on wildlife matters; supervise and have full responsibility over major statewide programs which have strong legislative or political interest, major law enforcement concerns, major public concern and awareness, extensive media coverage and multiagency involvement; develop policy; assist in law and regulation changes; assist in budget preparation and assess budget requests; coordinate program activities with other functions; keep management informed of extremely significant law enforcement issues and problems; and represent the ~~Division~~ Branch Chief or Regional Manager in their absence.

MINIMUM QUALIFICATIONS

ALL CLASSES:

The following requirements are part of the "Minimum Qualifications" for all classes in the series.

Education: Possession of a valid driver license of the appropriate class issued by the Department of Motor Vehicles. Applicants who do not possess this license will be admitted to the examination but must secure the license prior to appointment.

and

Education: Equivalent to completion of two years (60 semester units) of college with 18 semester units in the biological sciences, police science or law enforcement, natural resources conservation, ecology, or related fields. (Students who have 30 semester units of college, and have 18 semester units completed in the required or related fields, will be admitted to the examination, but must produce evidence of completion of 60 semester units before they can be considered eligible for appointment.)

ALL CLASSES EXCEPT FISH AND GAME WARDEN CADET

FISH AND GAME WARDEN

Successful completion of a California POST accredited Law Enforcement Academy, possession of a valid California POST basic peace officer certificate, and currently employed as a peace officer within the State of California at time of application.

~~Possession of a POST basic peace officer academy certificate.~~

~~FISH AND GAME WARDEN, DEPARTMENT OF FISH AND GAME~~

~~Successful completion (within the last three years) of a POST-certified basic peace officer academy.~~

FISH AND GAME ~~PATROL~~ LIEUTENANT (SPECIALIST)
FISH AND GAME ~~PATROL~~ LIEUTENANT (SUPERVISOR)

Two years of experience in the California state service performing the duties of a peace officer class at a level of responsibility equivalent to that obtained in the class of Fish and Game Warden, ~~Department of Fish and Game~~, Range B.

FISH AND GAME ~~PATROL~~ CAPTAINEither I

One year of experience in the California state service performing the duties of a peace officer class at a level of responsibility equivalent to that obtained in the class of Fish and Game ~~Patrol~~ Lieutenant (Specialist) or Fish and Game ~~Patrol~~ Lieutenant (Supervisor).

Or II

Three years of experience in the California state service performing the duties of a peace officer class at a level of responsibility equivalent to that obtained in the class of Fish and Game Warden, ~~Department of Fish and Game~~, Range B.

~~REGIONAL PATROL CHIEF, DEPARTMENT OF FISH AND GAME~~ ASSISTANT CHIEFEither I

Two years of experience in the California state service performing the duties of a peace officer class at a level of responsibility equivalent to that obtained in the class of Fish and Game ~~Patrol~~ Captain.

Or II

Four years of experience in the California state service performing the duties of a peace officer class at a level of responsibility equivalent to that obtained in the class of Fish and Game ~~Patrol~~ Lieutenant (Specialist) or Fish and Game ~~Patrol~~ Lieutenant (Supervisor).

KNOWLEDGE AND ABILITIES

FISH AND GAME WARDEN CADET

Ability to: Gather and analyze facts; reason logically, draw valid conclusions, and make appropriate recommendations; follow instructions; communicate effectively and write clearly and concisely; establish and maintain effective working relationships with those contacted in the work; learn rules and regulations; interpret, apply, and enforce fish and game laws; read and interpret maps; analyze situations accurately, think and act quickly in emergencies, and take effective action; establish and maintain tactful and effective relations with the public; learn safety and proficiency with firearms, peace officer protective equipment, and other equipment used on the job; and administer first aid treatment.

FISH AND GAME WARDEN, ~~DEPARTMENT OF FISH AND GAME~~

Knowledge of: Investigation techniques and procedures; rules of evidence and court procedures; laws of arrest, search and seizure and legal rights of citizens, and service of legal process; State and applicable Federal laws; basic principles and techniques of natural resources management; habits, life histories, ecological relationships, and geographical distribution of sport and commercial fishes and wildlife in California; sport and commercial fishing and hunting practices and equipment; and current court decisions.

Ability to: All of the above, and assist in the interpretation and application of biological information and laws and regulations to specific situations; participate effectively in investigations and interviews; work on field assignments without close supervision and primarily on own initiative; train and act as a lead over new Fish and Game Wardens ~~and reserve Fish and Game Wardens or assistants~~; and prepare accurate and concise reports.

FISH AND GAME ~~PATROL~~ LIEUTENANT (SPECIALIST)

Knowledge of: All of the above, and the provisions of the Fish and Game Code and other laws, rules, regulations, and policies relating to the conservation and protection of fish, wildlife, and their habitat in California; and instruction in the care and use of firearms and equipment.

Ability to: All of the above, and implement specific programs; direct or conduct complex investigations of fish and game law violations; conduct internal affairs investigations; and coordinate required training.

FISH AND GAME ~~PATROL~~ LIEUTENANT (SUPERVISOR)

Knowledge of: All of the above, and basic supervision; ~~the Department's Equal Opportunity Program objectives; a supervisor's role in the Equal Opportunity Program and the processes available to meet equal opportunity objectives and a manager's/supervisor's responsibility for promoting equal opportunity in hiring, employee development, and promotion and for maintaining a work environment that is free of discrimination or harassment.~~

Ability to: All of the above, and supervise and direct work; evaluate employee performance; conduct internal affairs investigations; and effectively contribute to ~~the Department's equal opportunity objectives promoting equal opportunity in employment and maintaining a work environment that is free of discrimination and harassment.~~

FISH AND GAME ~~PATROL~~ CAPTAIN

Knowledge of: All of the above, and principles and techniques of personnel management; and in-service training.

Ability to: All of the above, and implement programs to protect fish and wildlife resources; plan, conduct, and evaluate training programs; coordinate special enforcement activities; coordinate internal affairs investigations; and assist in budget preparation.

~~REGIONAL PATROL CHIEF, DEPARTMENT OF FISH AND GAME~~ ASSISTANT CHIEF

Knowledge of: All of the above, and program planning; Department policy; and the Department's funding and budget process.

Ability to: All of the above, and evaluate programs; develop policy; promote uniform application of policies, laws, and regulations; organize and manage statewide programs; and represent the ~~Division~~ Branch Chief or Regional Manager at anytime.

ADDITIONAL DESIRABLE QUALIFICATIONS

ALL CLASSES:

Ability to use word processing software on personal computers; ability to make minor vehicle repairs when service is not available; and ability to safely operate fish and game vessels.

SPECIAL PERSONAL CHARACTERISTICS

ALL CLASSES:

Willingness to work unusual hours and on Saturdays, Sundays, and holidays; willingness to live and work throughout the State; satisfactory record as a law-abiding citizen; neat personal appearance; tact; reliability; keenness of observation; and interest in and aptitude for fish and wildlife conservation and law enforcement work.

SPECIAL PHYSICAL REQUIREMENTS

FISH AND GAME WARDEN CADET

~~FISH AND GAME WARDEN, DEPARTMENT OF FISH AND GAME~~

Sound physical condition, ability to swim, and hearing adequate to perform the duties of the position; visual acuity of not less than 20/40 in each eye without correction and corrected to not less than 20/20 in each eye; normal color vision as measured by the Ishihara Pseudoisochromatic Plate Test or for persons failing the Ishihara, the Farnsworth D-15 Arrangement Test; and a peripheral field of view of at least 120 degrees of horizontal extent and 100 degrees of vertical extent, with no evidence of scotomas (nonseeing areas) within the full visual field of each eye.

~~FELONY~~ DISQUALIFICATION

ALL CLASSES:

Existing law provides that persons convicted of a felony or convicted of a misdemeanor crime of domestic violence are disqualified from employment as peace officers. Such persons are not eligible to compete for or be appointed to positions in these classes.

You are disqualified from being employed as a peace officer under Government Code 1029 if (1) you have been convicted of a felony in this State or any other state; (2) you have been convicted of any offense in any other state which would have been a felony if committed in this State; (3) you have been

charged with a felony and adjudged by a superior court to be mentally incompetent; (4) you have been found not guilty by reason of insanity of any felony; (5) you have been determined to be a mentally disordered sex offender; or (6) you have been addicted or in danger of becoming addicted to narcotics, convicted, and committed to a State institution.

You are disqualified from being employed as a peace officer under the Gun Control Act (GCA) of 1968 as amended by the Federal Omnibus Consolidated Appropriations Act of 1997, which makes it unlawful for any person convicted of a misdemeanor crime of domestic violence to ship, transport, possess, or receive firearms or ammunition. A misdemeanor crime of domestic violence means an offense that (1) is a misdemeanor under Federal or State law; and (2) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim. This definition includes all misdemeanors that involve the use or attempted use of physical force and is true whether or not the State statute or local ordinance specifically defines the offense as a domestic violence misdemeanor.

Use of "hard" drugs (e.g., heroin, cocaine, or hallucinogenic) subsequent to applicant's 18th birthday and prior to his or her twenty-third birthday, shall be grounds for disqualification from the examination unless 10 5 years elapsed from the date of the disclosed or revealed use of the drug. If any such disclosed or revealed use has occurred on or after the applicant's twenty-third birthday, he or she shall be disqualified from the examination in which he or she is competing until 10 years have elapsed from the date of the disclosed or revealed use. The disqualification period shall begin on the date that the drug was used, and not on the date that the drug use was disclosed or revealed.

CITIZENSHIP REQUIREMENT

ALL CLASSES:

Pursuant to Government Code Section 1031(a), in order to be a peace officer, a person must be either a U.S. citizen or be a permanent resident alien who is eligible for and has applied for U.S. citizenship.

Denial of an application for citizenship shall result in termination of employment.

DRUG TESTING REQUIREMENT

ALL CLASSES:

Applicants for positions in this class are required to pass a drug screening test. Drug testing of current State employees who are applicants in an examination or who are transferring is permitted only if the person does not have current appointment to a class for which drug testing is a requirement.

CLASS HISTORY

<u>Class</u>	<u>Date Established</u>	<u>Date Revised</u>	<u>Title Changed</u>	
Fish and Game Warden Cadet		3/8/88	6/7/95	--
Fish and Game Warden, Department of Fish and Game		3/1/88	6/7/95	
Fish and Game Patrol Lieutenant (Specialist)		6/7/95		--
Fish and Game Patrol Lieutenant (Supervisor)		4/3/74	6/7/95	6/7/95
Fish and Game Patrol Captain		1931	6/7/95	3/23/56
Regional Patrol Chief, Department of Fish and Game		5/16/52	6/7/95	10/7/86 <u>Assistant Chief</u>